

Serial No. 09/311,092

and said indication of whether to request said additional reading is dependent on the identified sensor.

REMARKS

The preceding amendments and following remarks are submitted in response to the Final Action of the Examiner mailed September 24, 2002. Claims 1-34 remain pending.

Reconsideration and reexamination are respectfully requested.

On page 3 of the Final Office Action, the Examiner indicated that the substitute drawing filed on July 12, 2002 was approved. Enclosed herewith are new formal drawings for approval by the Examiner.

On page 2 of the Final Office Action, the Examiner objected to the specification because the status of the co-pending applications has not been updated. In response, Applicant has amended the specification to update the status of the co-pending applications.

Also on page 2 of the Final Office Action, the Examiner rejected claims 14-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended claims 14-16 to remove the word "type". In view thereof, claims 14-16 are now believed to fully comply with 35 U.S.C. §112, second paragraph.

On page 4 of the Final Office Action, the Examiner rejected claims 1-2 and 10-20 under 35 U.S.C. §102(e) as being anticipated by Jacobsen et al. (U.S. Patent No. 6,198,394). On page 3 of the Final Office Action, and in the Response to Arguments section, the Examiner states that Jacobsen et al. suggests that the individual status units could be made smaller and provided to

Serial No. 09/311,092

residents of long-term care facilities (citing Jacobsen et al., column 16, lines 46-49) (emphasis added). The Examiner concludes that “the long-term care facilities are similar to a building monitoring system.” (emphasis added).

Applicant would like to point out that anticipation requires identity. Tyler Refrigeration v. Kysor Ind. U.S. Corp., 777 F.2d 687, 227 U.S.P.Q. 845 (Fed. Cir. 1985) (emphasis added). Thus, the identical invention must be shown in as complete detail as is contained in the patent claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). In deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in light of the specification, and identify corresponding elements disclosed in the allegedly anticipating reference. The focus must be always on the entirety of the claimed invention. Structural Rubber Prods Co. v. Park Rubber Co., 749 F.2d 707, 223 U.S.P.Q. 1264 (Fed. Cir. 1984). (emphasis added)(see also, MPEP § 2131).

As noted above, the Examiner admits that Jacobsen et al. is not identical to the present claims. Instead, the Examiner states that “the long-term care facilities are similar to a building monitoring system.” (Emphasis added). Regardless of whether Applicant disagrees with the Examiner’s interpretation of Jacobsen et al. and/or the present claims, similarity is simply not adequate to support a rejection under 35 U.S.C. §102. ***Thus, by law, the Examiner must withdraw the rejection of claims 1-2 and 10-20 under 35 U.S.C. §102(e) as being anticipated by Jacobsen et al. (U.S. Patent No. 6,198,394).***

In addition, claims 1-2 and 10-20 are not obvious in view of Jacobsen et al. (U.S. Patent No. 6,198,394). As noted above, Jacobsen et al. do not show, at any point, a building monitor

Serial No. 09/311,092

system. Instead, Jacobsen et al. relate to personnel monitoring, such monitoring of military personnel or residents of a long term care facility. There is no suggestion or motivation in Jacobsen et al. whatsoever to modify Jacobsen et al. to provide a building monitor system as claimed. As such, claims 1-2 and 10-20 are believed to be clearly patentable over Jacobsen et al.

On page 9 of the Final Office Action, the Examiner rejected claims 1, 3-9, 23-29, and 31-34 under 35 U.S.C. §102(e) as being anticipated by Reis et al. (U.S. Patent No. 5,973,613). On pages 3-4 of the Final Office Action, and in the Response to Arguments section, the Examiner states that Reis et al. state that the device range capability are satisfactory for local communication ranges suitable for warehouses, buildings, and other similar local regions (citing Reis et al., column 11, lines 4-9). The Examiner concludes that “the device range capability for buildings is similar to a building monitoring system.” (emphasis added).

Again, Applicant would like to point out that anticipation requires identity. Tyler Refrigeration v. Kysor Ind. U.S. Corp., 777 F.2d 687, 227 U.S.P.Q. 845 (Fed. Cir. 1985) (emphasis added). Thus, the identical invention must be shown in as complete detail as is contained in the patent claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (emphasis added). As noted above, the Examiner admits that Reis et al. is not identical to the present claims. Instead, the Examiner states that “the device range capability for buildings is similar to a building monitoring system.” (emphasis added). Regardless of whether Applicant disagrees with the Examiner’s interpretation of Reis et al and/or the present claims, similarity is simply not adequate to support a rejection under 35 U.S.C. §102. ***Thus, by***

Serial No. 09/311,092

law, the Examiner must withdraw the rejection of claims 1, 3-9, 23-29, and 31-34 under 35 U.S.C. §102(e) as being anticipated by Reis et al. (U.S. Patent No. 5,973,613).

In addition, claims 1, 3-9, 23-29, and 31-34 are not obvious in view of Reis et al. (U.S. Patent No. 5,973,613). Reis et al. relates to a personal messaging system, and not a building monitor system. Neither Figure 3 nor the passage cited by the Examiner discloses or suggests a building monitoring system. Just because the personal messaging system of Reis et al. may be used in or around buildings does not make the system a building monitoring system as claimed. Instead, Reis et al. is directed at a personal messaging system, presumably for providing messages to users of the system. Furthermore, there is no suggestion or motivation whatsoever in Reis et al. to modify Reis et al. to provide a building monitor system as claimed. As such, claims 1, 3-9, 23-29, and 31-34 are believed to be clearly patentable over Reis et al.

On page 15 of the Final Office Action, the Examiner rejected claims 21-22 under 35 U.S.C. §103(a) as being unpatentable over Jacobsen et al. For reasons similar to those given above, as well as other reasons, claims 21-22 are also believed to be clearly patentable over Jacobsen et al.

On page 15 of the Final Office Action, the Examiner rejected claim 30 under 35 U.S.C. §103(a) as being unpatentable over Reis et al. in view of Jacobsen et al. For reasons similar to those given above, as well as other reasons, claim 30 is believed to be clearly patentable over Jacobsen et al. or Reis et al. In addition, there does not appear to be any suggestion or motivation in Reis et al. or Jacobsen et al. whatsoever to provide a building monitoring system as claimed. That is, there does not appear to be any suggestion or motivation whatsoever to

Serial No. 09/311,092

combine a personal messaging system with a personnel monitoring system to create a building monitoring system as claimed. In view of the foregoing, claim 30 is believed to be clearly patentable over Reis et al. in view of Jacobsen et al.

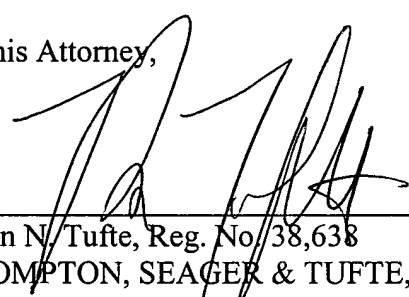
Reconsideration and reexamination are requested. In light of the above amendments and remarks, issuance of a notice of allowance in due course is respectfully requested. If a telephone conference is desired, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

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By his Attorney,

Date: November 18, 2002



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Serial No. 09/311,092

Version With Markings to Show Changes Made

In the Specification

The paragraph beginning on page 1, line 3, has been amended as follows:

The present application is related to U.S. Patent Application Serial No. []09/311,242 filed []May 13, 1999, entitled "Output Buffer With Independently Controllable Current Mirror Legs"; U.S. Patent Application Serial No. []09/311,105, filed []May 13, 1999, entitled "Differential Filter with Gyrator"; U.S. Patent Application Serial No. []09/311,234, filed []May 13, 1999, entitled "Compensation Mechanism For Compensating Bias Levels Of An Operation Circuit In Response To Supply Voltage Changes"; U.S. Patent Application Serial No. []09/311,246, filed []May 13, 1999, entitled "Filter With Controlled Offsets For Active Filter Selectivity and DC Offset Control"; U.S. Patent Application Serial No. []09/311,250, filed []May 13, 1999, entitled "Wireless System With Variable Learned-In Transmit Power"; and U.S. Patent Application Serial No. []09/311,014, filed []May 13, 1999, entitled "Wireless Control Network With Scheduled Time Slots", all of which are assigned to the assignee of the present invention and incorporated herein by reference.

In the Claims

Claims 14, 15 and 16 have been amended as follows:

14. (Amended) A building monitoring system as recited in claim 13, wherein [said sensors have a type and,] said means for validating sensor data includes at least two different

Serial No. 09/311,092

validation processes, wherein said means for validating include means for identifying [a] the sensor [type] and means [responsive to said type] for determining which of said validation processes to use depending on the identified sensor.

15. (Amended) A building monitoring system as recited in claim 14, wherein said validation processes waits a predetermined time before requesting an additional sensor reading and said predetermined time to wait [is a function of said remote sensor type] is dependent on the identified sensor.

16. (Amended) A building monitoring system as recited in claim 14, wherein said means for validating includes an indication of whether to request an additional sensor reading and said indication of whether to request said additional reading [is a function of said remote sensor type] is dependent on the identified sensor.